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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

APOTHECARY MOVEMENT, LLC, a Utah
limited liability company,

Plaintiff,

vs.

BH ELEGANT LINENS, LLC dbas AA
WHOLESALE DEALS and SWIFT
INNOVATIONS, a New York limited liability
company,

Defendants.

DECLARATION OF JESSICA APO

Case No.: 2:23cv00845-HCN-DAO
Judge Howard C. Nielson, Jr.

I, Jessica Apo, being first duly sworn and having personal knowledge of the matters asserted herein, do hereby declare as follows:

1. I am a paralegal at Cameron Ringwood LC.
2. I was assigned to research the service of the Summons and Complaint to “Joe Cohen” after claims were made by Defendant’s representative, Avi Alhakim, that he never heard of a “Joe Cohen.” I have outlined my findings below.

3. An Internet search of the business address listed on Swift Innovation LLC's Certificate of Formation "55 Talmadge Rd, Edison, NJ 08817" returns a picture of the building and a list of businesses located at this address. The primary business identified was "Duck River Textile, Inc.". (Website Screenshot, Exhibit 1)

4. The biography page from the Duck River Textile, Inc.'s website states "Duck River Textile, Inc. was founded twenty years ago by the Cohen Brothers: Oury, Eili, Raymond and Joseph". The website also lists the home office address of 55 Talmadge Rd, Edison, NJ 08817. (Website Screenshot, Exhibit 2).

5. A search of Duck River Textile, Inc. led to a SEC.GOV website detailing the "55 Talmadge Loan" that lists the Borrower as "BH Properties of Edison LLC" and lists borrower sponsors as "Nori Alhakim Cohen, Rahmon Alhakim and Eili Alhakim". The website also states, "The Alhakim brothers founded Duck River Textiles, Inc., the largest tenant at 55 Talmadge Property...". (Website Screenshot, Exhibit 3)

6. The variation of "Cohen brothers" and "Alhakim brothers" both listed as the founders of Duck River Textile, Inc. resulted in a broader search that included Cohen and Alhakim names that were associated with 55 Talmadge Rd, Defendant's address. This search led to a rocketreach.com bio for Avi Alhakim who is listed as a Wholesale manager and lists an email address for him @duckrivertextile.com. (Website Screenshot, Exhibit 4)

7. The Avi Alhakim bio was linked to another bio for Duck River Textile, Inc. with Eili Alhakim listed as the key principal for the company. Eili Alhakim is also known as Eili Cohen accordingly to the Duck River Textiles website. (Website Screenshot, Exhibit 5)

8. The Articles of Organization for BH Elegant Linens LLC (filed by defendant) lists the company address as 55 Talmage Rd, Edison, NJ 08817 and are signed by "Eili" whose title is

“ORGANIZER” and is listed as the “FILER” of the Articles with an address of 55 Talmadge Rd, Edison, NJ 08817. (Articles of Organization, Exhibit 6)

9. In the *Declaration of Avi Alhakim* [Doc 36-2] filed April 15, Avi states that he is a resident of New Jersey. However, in his *Declaration* filed April 17 [Doc 39-1], and *Third Declaration of Avi Alhakim* [Doc 60] filed May 10, Avi states he is a resident of New York.

10. In the first *Declaration of Avi Alhakim* [Doc 36-2], Avi states he caused BH Elegant Linens to be formed and has first-hand knowledge of its formation, indicating that he knows Eili signed and filed the Articles of Organization. Eili is directly linked/related to Joseph Cohen according to Duck River Textile, Inc.’s own website, the same company that has a bio for Avi Alhakim a “wholesaler” with an email address @duckrivertextile.com.

11. In *Declaration of Avi Alhakim* [Doc 39-2] filed April 17, wherein Avi changes his state of residence to New York, he claims that BH was never served because the Proof of Service represents the process server “served the summons on Joe Cohen...” Mr. Alhakim then states “However, neither I nor anyone else affiliated with BH knows this Mr. Cohen.”

12. In the *Third Declaration of Avi Alhakim* [Doc 60] filed May 10, Avi states that he “was the sole member and manager of BH.” He then states “Joe Cohen” is not someone I know or a name I recognize”

13. Despite Avi’s statement that he is the only person affiliated with BH, Eili Alhakim aka Eili Cohen (Joseph Cohen’s brother) signed the Articles of Organization for BH as the Organizer and filed them.

14. The Alhakim-Cohen name searches also returned a Court Case from the New York Supreme Court from 2014 between Mobstub, Inc. (Plaintiff) and www.staytrendy.com, Duck River Textiles, Inc., Jack Cohen a/k/a Jack Alhakim, et al (Defendants). The case documents

explain that Defendant Jack Cohen's legal name is Jack Alhakim and is a son of one of Duck River's co-owners, "Nori ('Oury') Alhakim" and that "Jack Cohen" is his "a/k/a". (Casetext Summary, Exhibit 7)

15. A person search for "Rahmon Alhakim" pulled up several addresses including "62 Lancaster Ave, Brooklyn, NY", which is the mailing address listed for Avi Alhakim on the Certificate of Formation for Swift Innovation, LLC. (Certificate of Formation, Exhibit 8). This search also listed several aliases or "a/k/a's" for Rahmon Alhakim which included "Raymond Alhakim" and "Raymond Cohen". The search also listed several relatives including Eili Alhakim aka Eili Cohen. (Person Search, Exhibit 9)

16. A property records search of the chain of title for 62 Lancaster Ave, Brooklyn (Mr. Avi Alhakim's mailing address on Swift Innovation LLC's Certificate of Formation) produced several deeds that listed both Eili Alhakim and Rahmon Alhakim as owners of the property at one point. Notably, the most recent deed changes the vested owner from "Rahmon Alhakim" to "BZH Cohen Property LLC". (Deeds, Exhibits 10 and 11)

17. Based on the foregoing, it is apparent that members of the Alhakim family use the alias Cohen.

18. Westlaw reports were pulled on Eili Alhakim and Avi Alhakim. (Excerpts from Westlaw Reports, Exhibits 12 and 13). These reports directly link Avi Alhakim to Eili Alhakim aka Eili Cohen as relatives with one degree of separation. The reports also link both Eili and Avi Alhakim to Rahmon Alhakim a/k/a Raymond Cohen, Jack Alhakim a/k/a Jack Cohen and Nori Alhakim a/k/a Nori Cohen and Oury Alhakim as relatives with one degree of separation. A person named Josiphe Alhakim (likely Joe Cohen) is also shown as a relative with one degree of separation on both Eili Alhakim and Avi Alhakim's reports.

19. In the Westlaw report for Eili Alhakim he is listed as President of Duck River Textile, Inc. The list of executives for the company also include Raymond Cohen as C.O.O., Oury Alhakim as V.P., and Jack Cohen as Sales Staff and Manager. Such further evidences the use of surnames Alhakim and Cohen interchangeably.

20. Avi Alhakim is directly related to Eili Alhakim aka Eili Cohen, Rahmon Alhakim aka Raymond Cohen, and Nori Alhakim aka Nori Cohen and Oury Alhakim. According to the Duck River website, all of these individuals are brothers of Joe Cohen. However, Avi states in his *Third Declaration of Avi Alhakim* [Doc 60] that he does not know “Joe Cohen” and further states he does not even recognize the name “Joe Cohen.”

21. These findings question the integrity and validity of many of the key statements made in the numerous *Declarations of Avi Alhakim* that have been filed on this case, including specifically his claim that he does not know, and has never heard of Joseph Cohen, who appears to be Mr. Avi Alhakim’s direct relative.

EXECUTED this 17th day of May 2024.

/s/ Jessica Apo

(* I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

*Declaration electronically signed, pursuant to U.C.A. § 46-4-201(4) and District of Utah CM/ECF and E-filing guidelines)